

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---------------------------|---|---------------------|
| ----- | X | |
| | : | |
| UNITED STATES OF AMERICA, | : | |
| | : | 15 Cr. 174-04 (LGS) |
| | : | |
| -against- | : | <u>ORDER</u> |
| | : | |
| JUAN MANUEL AVILA MEZA, | : | |
| Defendant. | : | |
| ----- | X | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 18, 2018, Defendant pleaded guilty to one count of Conspiracy to Import Cocaine and to Manufacture and Distribute Cocaine. On March 29, 2021, Defendant was sentenced to a custodial term of 144 months;

WHEREAS, on November 8, 2023, and July 15, 2024, Defendant filed motions for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively;

WHEREAS, on December 1, 2023, the Probation Department issued a Supplemental Presentence Report (“Supplemental PSR”), which concludes that Defendant appears to be ineligible for an adjustment of his Guidelines range based on Amendment 821;

WHEREAS, Defendant is ineligible for a “status point reduction” under the changes to U.S.S.G. § 4A1.1 because he did not receive an enhancement for committing these offenses while under a criminal justice sentence;

WHEREAS, Defendant does not meet the criteria to qualify for a “zero-point offender” offense level reduction pursuant to U.S.S.G. § 4C1.1 because Defendant possessed dangerous weapon in connection with the offense, which disqualifies him from the reduction under U.S.S.G. § 4C1.1(a)(7);

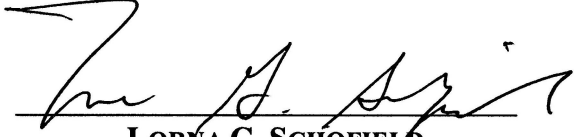
WHEREAS, the Court has considered the record in this case and agrees with the Supplemental PSR that Defendant is ineligible for an adjustment of his Guidelines range based on Amendment 821. It is hereby

ORDERED that Defendant's motions for a reduction of sentence are **DENIED**.

The Clerk of the Court is respectfully directed to terminate the motions at Dkt. Nos. 595 and 604, and to mail a copy of this Order to Defendant at the following address.

Juan Manuel Avila Meza (Reg. No. 91113-054)
FCI Oakdale II
Federal Correctional Institution
P.O. Box 5010
Oakdale, LA 71463

Dated: December 3, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE